

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 vs.) Criminal No. 04-176
)
FREDERICK H. BANKS)

O R D E R

At Docket No. 572, Frederick Banks ("Defendant") has filed a pleading entitled "Motion to Deny as Moot the Government's Objection to Defendant's Reconsideration Motion for New Trial; and Motion to Lift Stay and Renew as to Motion for New Trial, Amended Motion to Vacate Pursuant to 28 U.S.C. § 2255; and Motion to Renew Each Claim Dismissed Because of the Pending Criminal Appeal," ("Motion.") Defendant first acknowledges that on November 28, 2008, the United States Court of Appeals for the Third Circuit denied the appeal of his conviction and sentence herein. Defendant then

moves this Court to consider on the merits his Motion for a New Trial, the Amended Motion to Vacate and any Evidence and Supplements Thereto, and each claim dismissed in this case because of the recently affirmed [sic] appeal.

(Motion at 1.)

Defendant states he is indigent and has been denied his rights to purchase photocopies, stamps or envelopes by the staff of the prison where he is currently confined in Yazoo City, Mississippi. He also contends that "this Court in neglect of its duty will not

do anything to rectify the situation." He therefore "moves the Court to consider all of the claims he has filed now and grant the requested relief." (Id.)

Defendant was sentenced by this Court on March 13, 2006. In the period between that date and the date of this Order, he has filed more than ninety motions, notices, objections, and miscellaneous pleadings. This Court declines to reconsider any of those pleadings on which it has already ruled, especially since Defendant has not identified the basis of his motion for reconsideration. See Max's Seafood Café v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999).

Second, as reflected by the plethora of civil suits Defendant has filed during his incarceration, he is well aware of how to pursue his complaints concerning conditions at Yazoo City.

Finally, Defendant "requests that all of the government's sealed documents be unsealed and he be provided with a copy of each document." (Motion at 1.) Defendant's standby counsel and the government have previously provided copies of all documents not filed by Defendant himself; therefore, this request is denied.

In sum, Defendant's motion filed at Docket No. 572 is denied in its entirety.

February 20, 2009

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

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